

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

daughter, Elissa Weiner. Mr. DiPascali agreed to accept these funds into an account bearing the name of Karen Davis, and that Karen could act as the nominee for the other interests.

4. The various investors and my wife, Karen, entered into a Nominee Agreement on March 3, 2004, which provided that Karen would serve as nominee for the various interests in Account No. 0075.
5. The initial deposit into BLMIS of \$2,250,000 represented both the individual interest of Karen (in the amount of \$500,000) and the interest of four other parties -- Theodore Wm. Tashlik, Richard Tuchman, Arthur Asch, and the 2004 Elissa Weiner Trust -- in the combined amount of \$1,750,000. Additional sums were subsequently deposited by the investors in the amounts of \$450,000, \$250,000, \$600,000, \$300,000, and \$761,017.
6. Two of the deposits referenced in the preceding paragraph (\$250,000 and \$300,000) were made directly by Mr. Tuchman by wire transfer on March 31, 2005, and on December 30, 2005 to BLMIS.
7. One of the deposits (\$761,017) was made directly to BLMIS by wire transfer from Elissa Weiner, the beneficiary of the Elissa Weiner Trust.
8. On September 29, 2006, I opened a second account in my wife's name with BLMIS, Account No. 0083, in order to segregate her funds from the nominal account bearing Account No. 0075. Accordingly, my wife transferred all her remaining funds, or \$1,866,207, from Account No. 0075 into the new Account No. 0083.

She deposited an additional \$400,000 into the account to meet the account minimum of \$2,000,000.

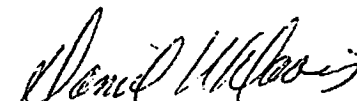
9. Around the time that the second account was being opened for Karen, I explained to Mr. DiPascali in a phone call that the reason for opening the second account was to segregate my wife's funds from the funds of the other investors in Account No.

0075.

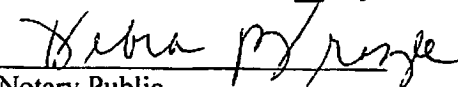
10. After Account No. 0083 was established, my wife no longer held any beneficial ownership interest in Account No. 0075.

11. On February 14, 2009, I filed a claim with the Trustee on behalf of the funds owned by the 2004 Elissa Weiner Trust in Account No. 0075; that claim was also signed by wife as Nominee of the Account.

12. I have not yet received any determination from the Trustee with respect to the claim that I filed as Trustee for the 2004 Elissa Weiner Trust.


Daniel N. Davis

Sworn to before me this 11 day of March, 2010


Notary Public

DEBRA BRAZEE
Notary Public, State of New York
No. 01BR6059749
Qualified In Westchester County
Commission Expires June 4, 2011